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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/980,645	12/01/97	SMITH	C TRAK02222

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PM92/0715

EXAMINER
ZANELLI, M

ART UNIT	PAPER NUMBER
3661	9

DATE MAILED: 07/15/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/980,645

Applicant(s)

Smith et al.

Examiner

Zanelli

Group Art Unit

3661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6/1/99
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 32, 33, 37-121 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 32, 33, 37-46, 63-90, 93 is/are allowed.
- ☒ Claim(s) 47-62, 91, 92, 94, 95, 97, 98, 100-102, 104-109, 111, 112, 114-116, 118, 120, 121 is/are rejected.
- ☒ Claim(s) 96, 99, 103, 110, 113, 117, 119 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3661

### DETAILED ACTION

1. This is responsive to the amendment filed 6/1/99. Claims 32, 33, and 37-121 are currently pending.
2. Receipt of the Terminal Disclaimer is acknowledged.
3. Claims 47-62, 91, 92, 105, and 109 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - A. As per claims 47 and 91, it is unclear as to the meaning of the added limitations, particularly the phrase "*routes ... do not pass at least one of said origin and said destination*". Every route must be defined by endpoints which can be characterized as a start (origin) and a finish (destination) and thus a vehicle operating on a route must pass thru at least one of these points. It is further unclear as to what is meant by "routinely". Does this mean there are established routes for which origins and destinations must be located on to receive service such that they are not passed?
  - B. As per claim 105, it is unclear which system "said system" is referring to (i.e., verifying system of claim 98/94 or the payment system of claim 104).
  - C. As per claim 109, "said starting point" and "said ending point" lack antecedence.
  - D. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

Art Unit: 3661

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 47, 49, 51, 52, 54-57, 59, 61, and 91 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wendt (4,092,718).

A. As per claims 47 and 91, Wendt discloses a system for dispatching vehicles without human intervention based on requests for transportation service. The central computer receives request information from service requesters as well as information regarding the status of a plurality of transportation vehicles (i.e., passenger and location data) (col. 1, lines 49-56). An automated dispatcher plots routes for the transportation vehicles to service the requests (col. 2, lines 9-13).

B. As per claims 49, 51, 52, 54, and 59, as above wherein Wendt further discloses using two-way radio communication devices as well as land lines to transfer information between the central station, vehicles, and service requesters (col. 3, lines 14-20, 58-62; col. 4, lines 14-22).

C. As per claims 55-57, as above wherein Wendt further discloses providing a plurality of remote request stations which allow a user to manually input transportation requests via land lines to the central station (col. 3, lines 25-47).

Art Unit: 3661

D. As per claim 61, as above wherein Wendt discloses a dispatching process which transmits route information to the vehicle based on the transportation requests (col. 1, lines 49-56).

6. Claims 94, 95, 97, 98, 100-102, 104, 106-109, 111, 112, 114-116, 118, 120, and 121 are rejected under 35 U.S.C. 102(b) as being anticipated by Nathanson et al. (5,122,959; hereinafter Nathanson).

A. As per claims 94 and 108, Nathanson discloses a transportation dispatch system for dispatching service vehicles based on customer service requests. The system includes a database of records or transactions documenting needed transportation (see col. 12, section 4). The system maintains information associated with the service transaction for billing purposes. As noted in col. 13, lines 50+, col. 14, lines 21+, and cols. 31-33, the system maintains billing information for a customer. If the customer has been serviced before, a rolodex containing that customer's account is automatically called up whenever a new request for service is received (see col. 10, section A). As noted in col. 32, section E, information required by the customer's insurance company for filing claims is included in the customer's record. As discussed in col. 14, line 21+, pricing for services is based on the requirements of the service call and the mileage. Since the dispatch program attempts to determine the minimum path between a pick-up and delivery location (see col. 18, section 5), any limitation that might be required in the future by the insurance company as to reasonable mileage

Art Unit: 3661

charges would inherently be met by this minimum path consideration in routing vehicles.

B. As per claims 95, 107, 109, 121, as above wherein Nathanson discloses determining routing data based on minimum travel paths between points of a road network (see col. 18, lines 6 *et seq.*).

C. As per claims 97, 98, 100-102, 104, 106, 11, 112, 114-116, 118, and 120, as above wherein Nathanson discloses calculating billing charges based on mileage for the services provided by an ambulance business. The system includes an insurance claim module which provides data for the customer's third party carrier. See cols. 31-32.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

Art Unit: 3661

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 53 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wendt (4,092,718) in view of Gooch (5,396,540).

A. Wendt is applied as above. Wendt discloses using a combination of land line and radio wave communications. Claim 53 differs in that satellite-based radio communication is utilized. However, at the time of applicant's invention it was known in the art to communicate and monitor the status of vehicles from a central location using a combination of satellite-based and ground-based communication systems. For example, Gooch discloses a communication system for monitoring and communicating with vehicles from a remote location. As shown in Fig. 1, the system uses a combination of satellite-based and ground-based communication devices. One of ordinary skill in the art would have found it obvious to substitute the communication system of Gooch for that disclosed by Wendt because the satellite-based communications would have allowed one to provide communication over a wider area as well in environments which would limit ground-based radio communications.

10. **REMARKS**

A. Claims 32, 33, 37-46, 63-90 and 93 are allowed.

B. Claims 96, 99, 103, 110, 113, 117, and 119 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3661

C. As noted above, the language added to claims 47 and 91 is unclear. The art rejections are maintained since the added language, and arguments based thereon, does not clearly distinguish over the applied references.


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michael Zanelli** whose telephone number is **(703) 305-9756** (M-Th, 6:30-5:00 PM).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1113**.

/mjz  
July 14, 1999

  
**MICHAEL J. ZANELLI**  
**PRIMARY EXAMINER**